

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 6330 of 2018

Date of decision : 07.12.2018

Shiv Shambhu Sharma

....Petitioner

V/s

State of Haryana & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. J.S. Bedi, Sr. Advocate with
Mr. Sunil Sihag, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG Haryana.

Mr. N.S. Shekhawat, Advocate for respondent no. 3.

RAJAN GUPTA J.

Petitioner has prayed for quashing of order dated 20.03.2017, Annexure P-4 whereby SI Raj Kumar has been associated with the investigation. According to learned counsel, a fair and impartial investigation cannot be expected in case said official is associated with the investigation. A query has been put to learned State counsel in this context. At the outset, he submits that the SIT as constituted by the DGP would continue the investigation. As a new Superintendent of Police, Sirsa has already joined, he would be a part of the SIT.

It is settled principle that accused cannot choose the investigating officer who shall comprise the investigation team. There is, thus, no occasion for quashing the impugned order, Annexure P-4. However, it is made clear that investigation shall be conducted impartially

by the SIT constituted by the DGP without delegating its power to any official.

In view of above, petition is hereby disposed of.

December 07, 2018

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No